

Council Business Meeting

October 18, 2022

Agenda Item	Resolution 2022-30 clarifying the roles and responsibilities of the Ashland Park Commission and the Ashland Recreation Commission with the City of Ashland	
From	Joseph Lessard Doug McGearly	City Manager City Attorney
Contact	joe.lessard@ashland.or.us doug.mcgeary@ashland.or.us	

SUMMARY

This agenda item initiates a City Council review and reevaluation of the documents assigning employees and additional responsibilities to Parks and Recreation Commission and/or Parks and Recreation Department.

The City of Ashland operates its park lands and recreation programs under a unique set of City Charter provisions and joint management agreements, resolutions or ordinances that establish the current working relationship between the City Council and the Ashland Park Commission and Ashland Recreation Commission. The City Charter establishes both commissions individually (Articles XIX Park Commission and XXII Recreation Commission) but only specifies the elected Park Commission to have “control and management” of lands acquired for park purposes and of park funds appropriated by the City Council for use “beautifying and improving the City’s parks.” The Charter also specifies that land dedicated to the Open Space Park Program “shall be under the control and management of the Ashland Park Commission.” (Article XIX-A Open Space Program) Alternately, the Recreation Commission responsibilities are set in a City Council adopted ordinance as “coordinating, as far as possible, the recreation facilities now within the City or hereafter constructed or created” and to “conduct any form of recreation or cultural activity that will employ the leisure time of the people of Ashland.” The two Commissions are not independent of the City of Ashland as a legal entity and are therefore subject to its budget process and related appropriations limits, administrative policy, and City ordinances. Also, they are subject to the determinations of the City Council (the sovereign governing body of the City) as well as their corresponding City Charter provisions.

On May 19, 2021, the voters of Ashland adopted a new article in the City Charter (Article VIII-A City Manager) that changed the form of City government from a Mayor-Council administered form to a Council-Manager form. This change established the City Manager as the chief executive officer of the City subject to the oversight of the Mayor and City Council. The City Charter language approved by the votes establishing the Manager position includes one exception to the normal chief executive’s role by authorizing the “Park and Recreation Commission” to have “responsibility for appointing, supervising and removing its employees, subject to state law, Ashland Municipal Code, written mutual agreements between the City Council and Parks and Recreation Commission, and formal, written City administrative policies.” While the City has not formally established a Parks and Recreation Commission, it is traditionally understood to be comprised jointly of both the Ashland Park Commission and Ashland Recreation Commission members since the later commission is comprised of the same individuals elected to serve as Park Commissioners. The Park Commission is comprised of five (5) commissioners elected by the City’s voters. The previously referenced documents that currently establish the working relationship between the City Council and the Park and Recreation Commissions all predate the change in City government to the Council-Manager form.

The City Charter does not specify, assign, or otherwise establish who are the employees of the Parks and Recreation Commission and, since all City staff members are legally employed by the City of Ashland, the question arises as to which City employees are also employees of the “Park and Recreation Commission.” Based on a Memo dated September 15, 2022, by the Acting City Attorney, the answer to this question lies in the afore mentioned joint management agreements, resolutions or ordinances (in the Ashland Municipal Code or AMC) within which the City Council has assigned City employees, generally known and functioning as the Park and Recreation Department, to support and serve the Ashland Park and Ashland Recreation Commissions.

The documents assigning employees to the Parks and Recreation Commission are comprised of a City Council resolution (Council resolution 2013-25), two Council adopted ordinances (see AMC 2.16 Recreation Commission and 2.28.040 City Manager- Administrative Responsibilities) and an August 19, 2014, Memorandum of Understanding, Ashland City Council and Ashland Park and Recreation Commission. The City Council has also assigned additional responsibilities to the Parks and Recreation Commission or Parks and Recreation Department for senior services (Council resolution 2007-14) and management of non-park facilities or properties (March 20, 2012, Memorandum of Understanding, City of Ashland and Ashland Park and Recreation Commission). All the referenced documents were adopted or entered into under the City Council’s decision-making authority and are subject to their review or reevaluation and modification or rescission. Relatedly, it is these documents that the Park and Recreation Commission is subject to per the City Charter language that authorizes the appointing, supervising, and removing of employees. These documents identify or assign City staff who are the Parks and Recreation Commission’s employees. The Director and other employees of the Parks and Recreation Department have been assigned by the City Council to report to the Commission. The City Charter provisions in Article VIII-A City Manager establish the City Manager as the managerial head of all City operations with the corresponding managerial supervision of all employees with the sole exception of employees assigned to the Parks and Recreation Commission. In turn the Parks and Recreation Commission has delegated its managerial responsibilities to the Director of Parks and Recreation Department/staff.

Voter adoption of the Council-Manager form of local government is a substantial change to the City of Ashland organization that alters the previously established norms of operating between each of the City Charter’s designated officers, most notably between the City Council, and the Parks and Recreation Commission. The language of the City Charter and of previously adopted or enacted documents that formalized the old operational accommodations or norms between the Council and the Commission, taken together, are overly complex, confusing, and misaligned under the City’s new government structure. The City Manager and the Director of Parks and Recreation are now inserted between these two elected bodies with the overarching charge to manage the City organization or the Parks and Recreation Department respectively. A circumstance that does not lend itself to unified governmental practices when past practices reinforce a sense of independence and separation of operations. A reset appears in order. It may now be appropriate for the City Council to clear all its former agreements or assignments to allow a realignment of roles and responsibilities to be established between the impacted Charter officers.

FISCAL IMPACTS

This item has no fiscal impact on the Parks and Recreation Department or City as a whole.

STAFF RECOMMENDATION

Staff recommends the City Council review and reevaluate the working relationship between the City Council, Park and Recreation Commissions, Parks and Recreation Department, and City Management to assure the assignment of employees and operational functions align with the City Charter and can be practically implemented over time. This may require modifications or rescission of previously adopted City Council resolutions, MOUs, or AMC provisions. Resulting role clarifications or realignments and corresponding potential reassignment of staff resources may require an ongoing dialog and accommodations among the participants through a period of transition or adjustment. This effort should be accompanied with an effort to inform the community of any changes and explain their operational impacts.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

Unilateral alternate actions by the City Council include editing or repealing previously established City resolutions, AMC ordinance provisions and memorandums of understanding (MOUs). The following motion repeals the corresponding items to begin a reset or realignment of roles and responsibilities between the City Management, the Ashland Park Commission, and the Ashland Recreation Commission:

I move adoption of Resolution 2022-30 clarifying and affirming the roles and responsibilities of the Ashland Park Commission and the Ashland Recreation Commission Ashland Park Commission and the Ashland Recreation Commission with the City of Ashland.

REFERENCES & ATTACHMENTS

- Attachment 1. September 15, 2022, Memo from Douglas M. McGeary regarding City Manager/Council Authority respecting Parks Commission
- Attachment 2. City Resolution 2007-14
- Attachment 3. City Resolution 2013-25
- Attachment 4. August 19, 2014, Memorandum of Understanding, Ashland City Council and Ashland Park and Recreation Commission
- Attachment 5. March 20, 2012, Memorandum of Understanding, City of Ashland and Ashland Park and Recreation Commission
- Attachment 6. Resolution 2022-30 clarifying the roles and responsibilities of the Ashland Park Commission and the Ashland Recreation Commission with the City of Ashland

Memo

DATE: 09-15-2022
TO: Joe Lessard, City Manager
Michael Black, Parks Director
FR: Douglas M McGeary, Acting City Attorney
RE: City Manager/Council Authority respecting Parks Commission

BACKGROUND:

The City Charter vests the City Council and the Mayor with all powers of the City. Charter VIII §1. The Charter, however, further establishes two separate commissions within the City organization, the "Ashland Park Commission" and the "Ashland Recreation Commission", which are elected and have their own powers. These powers include "control and management" of dedicated city park lands and open space park program lands, and of "park funds" which shall be expended "for beautifying and improving the City's parks." Because the individuals comprising the boards for both bodies are the same, the City has historically come to treat them as a combined commission.

The historic relationship between the City Council (the "City") and the two commissions appears as one of allowance under a Mayor/City Administrator or "strong mayor" form of governance until recently changed in the Charter. That is, the Mayor and City Council has allowed or authorized the Park or Recreation Commissions, as the Park and Recreation Commission, to oversee Park and Recreation operations. This deference is natural given the likely tendency for an elected official to accede to the specific charge of another elected body, particularly one that is expected to accumulate expertise in its assignment.

The City Charter of Ashland was amended by public vote in 2020 adding Article VIII-A to the City Charter that established the position of City Manager to oversee City business operations. This change transitioned the City to a Council-Manager form of government. This governance model is a manager centric or "strong manager" form of government often adopted by larger municipalities or more complex organizations. The City's Chief Executive Officer (CEO) responsibilities, once assigned to the mayor, are now assigned to the City Manager in line with a CEO in the private sector to make operational and management decisions for the organization. The successes or failures of the City Manager, therefore, is more singularly dependent upon the officer's skills and abilities to respond to Mayor and Council policy decisions and control operations of the entire operation.



The language of the City Manager amendment, however, includes language that exempts oversight and management of specific "employees" from management oversight by the City Manager:

“The Ashland Parks and Recreation Commission shall have responsibility for appointing, supervising, and removing its employees, *subject to* state law, Ashland Municipal Code, written mutual agreements between the City Council and Ashland Parks and Recreation Commission, and formal, written City administrative policies.”
Charter Article VIII-A §4 (4)a. (Emphasis added)

This section of the amendment also provides that the City Manager “shall have no responsibility for the supervision of the . . . Ashland Parks and Recreation Commission.” Charter Article VIII-A §4 (5). The above exemption provides that employees assigned to the "Park and Recreation Commission" are most notably determined by or under the City Council’s plenary authority to adopt provisions of the Ashland Municipal Code (AMC), set City administrative policies, adopt City Council resolutions, or enter into memorandums of understanding (MOUs) with the Park and Recreation Commission.

Except for the language in Article VIII-A of the Charter establishing the City Manager position, there are no other references to a "Park and Recreation Commission" in the City Charter. The two Charter established commissions are part of the City organization. They are not created as independent or separate from the City as legal entities. And in that respect, there is no specific power in the Charter for either the Park or Recreation Commission to hire employees. However, the City has created through ordinance the power for the Ashland Recreation Commission “to appoint or designate some individual to act as recreation director. . . , and such other personnel as the [Recreation] Commission deems proper.” AMC 2.16.040. This Director’s office has historically answered to the two Charter established commissions.

Before the adoption of City Manager Charter provision, where respective management or operations commingled or remained ambiguous between the City and commissions, the entities found a need to form several MOUs to separate and apportion their respective share of several responsibilities to the overall organization. One main MOU has been amended over time until its last iteration dated August 19, 2014 (the “2014 MOU”) was created prior to the change to a City Manager form of governance. The 2014 MOU predominantly leaves authority over Park and Recreation employees and park land with a Park and Recreation Commission while the agreement assigns human resource functions to the City.

ANALYSIS:

A. INTRODUCTION: The 2020 adoption of Article VIII-A in the City Charter establishing the City Manager position has presented a question over what degree the Council through its City Manager may have administrative authority over the city's Park and Recreation Department and its employees. As discussed above, the Commission has historically had operational oversight of the City's Park and Recreation Department under portions of the AMC and in MOUs between the City Council and the Commission. With the hiring of a City Manager, responsibilities for the overall organization are realigned and the language within the new 2020 Charter provision must be read given plain meaning to its text, but also informed by the history of agreements that have been created and are currently used by the City and Commission.



B. TEXT AND CONTEXT. Under a plain text reading of the Charter, the 2020 Charter amendment does not appear to otherwise change the form of the City’s government, although the creation of the City Manager's office was clearly designed to consolidate management functions into a chief executive-type position for the City in general and specifically to appoint, supervise and remove any non-elected department heads or other city employees.

C. LEGISLATIVE HISTORY. To further define or interpret the text and context of the 2020 Charter amendment, the voter's pamphlet can also be considered for evidence. An overall inspection of that document indicates that the 2020 City Manager amendment was to maintain the status quo otherwise created by the Charter and developed over time.

The pamphlet indicates that the City Manager is given no extra supervisory authority over the Commission. Although neither the Park Commission nor the Recreation Commission are entities specifically authorized under the City Charter to operate independent of the City or to hire or oversee employees.

D. GUIDANCE BY ORDINANCE AND MUTUAL UNDERSTANDINGS. Based on the City Council’s allocation of responsibilities in the 2014 MOU, the City Manager, like the City Administrator before, currently does not have authority to manage or oversee the employees of the Park and Recreation Department. Importantly and consistent with the Charter, the MOU also provides for this Commission to develop and recommend a proposed budget to the City thereby ultimately leaving decisions of adopting the final budget with the City. It is also important to note that other MOU’s between the City and Commission, or City Council adopted resolutions have established and apportioned responsibilities between the parties for other City controlled properties, programs or funds that do not fall under the definition of park lands or park funds.

Technically, the City has not established the usual structures within the City’s organization or administrative code which would clarify and enable the two City Charter established commissions to administer their chartered functions or the MOUs assigned oversight responsibilities. The City Charter does not create a Park and Recreation Department or assign its oversight to either the Park Commission, Recreation Commission or a Park and Recreation Commission. The Park Commission is defined in the City Charter simply as “The certain board . . . perpetuated and continued as five (5) members.” The charter does assign “control and management” of dedicated park lands, open space park program lands and park funds to the Park Commission but not employee or department oversight. The “control and management” language, in essence, assigns asset level oversight responsibilities to the Commission, a role not usually connected with operational management in the Council-Manager form of local government or in the private sector. There are also no Ashland Municipal Code (AMC) ordinance provisions establishing a Park and Recreation Department and its oversight, as is the case for other City departments. Finally, it is the MOUs adopted by the City Council related to Park and Recreation operations that, somewhat confusingly, allocates oversight responsibilities to either the Park Commission, simply to “Parks”, to the technically undefined “Park and Recreation Commission” or to the Park and Recreation Director to whom the Park and Recreation Commission has “delegated management responsibility.”



Compounding the lack of organizational clarity or structure related to the Park and Recreation operations, is that in limited circumstances the City Manager has been given, by City Charter, operational authority over Park Commission/Park and Recreation Commission matters to ensure performance of certain budget and asset management functions necessary to the City. These limited functions include situations involving the administration of the citywide budget for compliance and financial solvency, and management responsibility for non-park property or facilities under the Park and Recreation Departments assigned responsibilities.

The Charter has established the separate charges for the City Manager, the Park Commission and the Recreation Commission. The electorate was presented with a decision to create the City Manager position with the likely understanding that the roles between these would continue substantially unchanged but also under or subject to the plenary authority of the City Council, historically exercised to assign management oversight of Park and Recreation operation responsibilities in MOUs. Currently, it is through these ordinances and agreements that the City Manager's ultimate authority can be understood. The City Council, however, retains its historic right to adopt or alter ordinances, and enter into or continue/discontinue MOU agreements.

Through ordinances and separate agreements, the City Council and Park Commission have integrated functions and agreed upon budgeting and the allocation of employees. Over time these ordinances and separate agreements seem to have satisfied the electorate that the sharing of responsibility for various management and operational functions, whether or not the efforts fall specifically within the charge of any particular office or Commission, may be appropriate and can continue. This sharing of responsibility does not change simply due to the decision made to pass the 2020 Charter amendment establishing the office of the City Manager. Regardless, the City Council retains the right, as exercised historically, to make the allocation of Park and Recreation operational oversight under its plenary authority. This right is confirmed by the language of Article VIII-A that grants the right of the Park and Recreation to oversee its employees "subject to state law, Ashland Municipal Code, written mutual agreements between the City Council and Ashland Parks and Recreation Commission, and formal, written City administrative policies."

Where the allocation or assignment of management responsibility is now questioned or in doubt, the City Council can make changes to ordinances, if necessary, to further empower the City Manager and affect Commission operational changes that the City finds necessary in the interest of the City. Alternatively, without the existence of certain standing AMC ordinances and the MOU agreements, the default management oversight setting would appear to potentially result in the circumstance of there being no employees or operational assignments to an Ashland Park and Recreation Commission. The current authority to clarify the organizational structure and assignment of oversight for Park and Recreation Department functions rests with the City Council.

CONCLUSION.

The Charter has established the separate charges for the City Manager and the Commission. The electorate was presented with a decision to create the City Manager position with the understanding that the roles between the two would not substantially change. Historically, these roles have primarily maintained the character as defined by the Charter and as have been adopted in ordinances and mutual



agreements found necessary to guide who should be performing what activities on behalf of the City. It is through these ordinances and agreements that the Manager's ultimate authority can be understood.

Technically, the City has not established usual structures within which the Commissions can administer their chartered functions such as creation of a Parks and Recreation Department. Based on the City Council's allocation of responsibilities in the 2014 MOU, the City Manager, like the City Administrator before, currently does not have authority to manage or oversee the employees of the Park and Recreation Department. In limited circumstances, however, the City Manager has been given, as was the City Administrator before, limited operational authority over employees assigned to the Commission to ensure performance of certain maintenance functions necessary to the City. The City Manager, therefore, has been given historical authority in limited situations involving non-park property to direct staff assigned primarily under the Commission's authority to perform management and maintenance of city non-park facilities. Hence, although city employees are assigned to the Commission, they are not considered exclusively under the control of the Commission when engaged in work outside of the scope of the Commission. Where in doubt, the City Council could make changes to ordinances or budgetary appropriation, if necessary, to further define authority or empower the City Manager and indirectly affect Commission operational changes that the City finds necessary in the interest of the City.

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RESOLUTION NO. 2007-14

A RESOLUTION REPEALING RESOLUTION NOS. 81-20 , 81-63 ,89-14 AND APPOINTING PARK COMMISSION TO FACILITATE SENIOR PROGRAM

Whereas, the Senior Program of the City of Ashland has changed over the years since its establishment; and

Whereas, the original Resolutions 81-20, as amended by 81-63 and 89-14 establishing the program and creating an organizational structure are no longer appropriate.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ASHLAND:

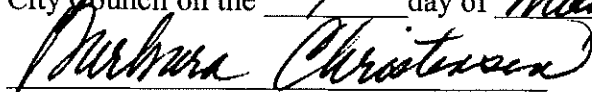
SECTION 1. That resolutions 81-20, 81-63 and 89-14 are repealed.

SECTION 2. The Parks and Recreation Department shall hereafter be responsible for facilitation of all senior programs and activities for the City of Ashland.

SECTION 3. Parks and Recreation will have the authority to create an advisory committee for the senior program, if necessary.

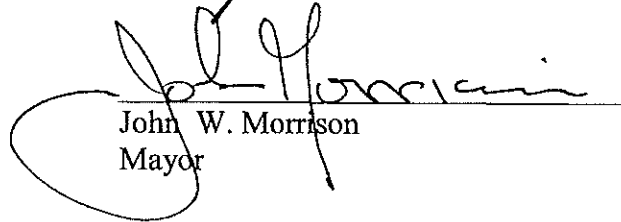
SECTION 4. This resolution shall become effective upon the signing of the Mayor.

The foregoing Resolution was READ and DULY ADOPTED at a regular meeting of the City Council on the 1 day of May, 2007.



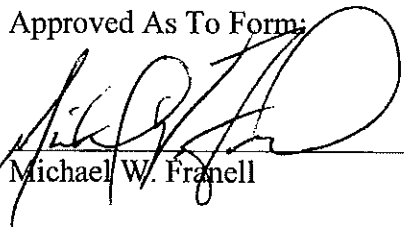
Barbara Christensen
City Recorder

Signed and Approved this 3 day of May, 2007



John W. Morrison
Mayor

Approved As To Form:



Michael W. Franell

RESOLUTION NO. 2013-25

**A RESOLUTION ASSERTING THE PARKS COMMISSION'S
RESPONSIBILITY TO HIRE THE PARKS DIRECTOR AND
DISAVOWING ANY COUNCIL INTENT TO TAKE CONTROL OF
PARKS COMMISSION RESPONSIBILITIES**

RECITALS:

- A. Due to changes in funding methodology a condition of uncertainty has existed between the Council and Parks Commission.
- B. An ad-hoc committee has been established to develop the starting discussion points to help resolve issues of funding, management and operational control for the Council and Parks Commission to work together to find sustainable solutions.
- C. Concern exists among the Parks Commission members and some citizens that the Council wishes to take over the responsibilities of the Parks Commission both as set by the city charter and by historical precedent.
- D. The question of choosing a new Parks director will be based on the historical precedent with the decision made by the Parks Commission. The Parks Commission will be the lead in developing the search criteria and developing the interview process. The Parks Commission will be encouraged to include members of the Council and other stakeholders in the selection process.

THE COUNCIL OF THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1. The Council commits to a collaborative process to determine funding and operations issues aimed at building consensus and partnership between Council and the Parks Commission.

SECTION 2. The Council supports the work of the ad-hoc committee as it applies to their charge. The Council views the work of the ad-hoc as the important first steps to a collaborative effort to build consensus around the issues to be dealt with by the Council and Parks Commission.

SECTION 3. The Council completely and without reservation dismisses the notion that the Council has an interest in taking over the Parks Commission's responsibilities of management and operations. Comments to the contrary are simply baseless and without substance.

SECTION 4. The Council affirms the right of the Parks Commission to select the Parks director.

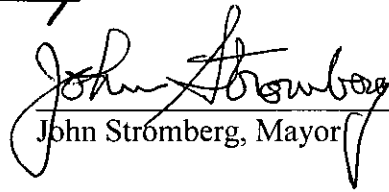
SECTION 5. This resolution takes effect upon signing by the Mayor.

This resolution was duly PASSED and ADOPTED this 16 day of July, 2013, and takes effect upon signing by the Mayor.

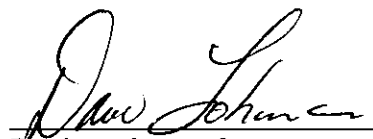


Barbara Christensen, City Recorder

SIGNED and APPROVED this day 16 of July, 2013.



John Strömberg, Mayor



Reviewed as to form:
David H. Lohman, City Attorney

MEMORANDUM OF UNDERSTANDING
ASHLAND CITY COUNCIL AND ASHLAND PARK AND RECREATION COMMISSION

Agreement made this 19 day of August, 2014, between the Ashland City Council and the Ashland Park and Recreation Commission and is effective upon signing by the City and Parks.

RECITALS

A. Under the Ashland City Charter, the Ashland City Council is the sovereign authority over all matters of City-wide concern and the owner of all land and other assets held in title by the City.

B. The Ashland City Charter creates an elected Ashland Park Commission, which also serves as the Ashland Recreation Commission, and empowers the Commission with "control and management of all the lands here dedicated for park purposes," and further empowers the Commission with "control and management of all park funds, whether the same is obtained by taxation, donation or otherwise."

C. The City Council and Parks Commission wish to clearly define what is meant by "management," and what the responsibility of each entity is within each aspect of management and to memorialize these responsibilities in this memorandum of understanding.

D. Management is generally defined as planning, organizing, budgeting, directing and evaluating as described in exhibit A.

E. For purposes of this agreement, "City" means the Ashland City Council or the City Administrator, to whom the Council has delegated management responsibility, as well as any other individuals to whom the City Administrator has delegated specific responsibilities as contained herein. "Parks" means the Ashland Parks and Recreation Commission or the Parks and Recreation Director, to whom the Commission has delegated management responsibility, as well as any other individuals to whom the Parks and Recreation Director has delegated specific responsibilities as contained herein.

Now, therefore, the City and Parks agree as follows:

1. Planning.

A. Parks responsibilities:

- 1) Parks will develop master plans for the development, operation and maintenance of lands and facilities under its control.
- 2) Parks will develop and execute functional plans regarding the allocation of staff

and monetary resources for the operation of facilities and delivery of services within its scope of authority.

- 3) Parks will develop and propose capital improvement plans (CIPs) for the expenditure of funds that have been dedicated to land acquisition and park/open space development.
- 4) Parks will create rules for use of park land and facilities, providing such rules are not in conflict with other ordinances of the City.

B. City responsibilities:

- 1) The City will maintain and periodically update the Comprehensive Plan, including Chapter VIII, Parks, Open Space and Aesthetics, which serves as the guiding document for all master plans, functional plans and capital improvement plans. The City will consider and respond to recommendations from Parks when amending or updating the comprehensive plan.
- 2) The City will include the Parks CIP in its biennial budget, subject to section 3.B, below. The City will determine and implement all funding mechanisms for capital improvements (including Parks SDCs), other than donations and grants from non-City sources, and will determine the timing, manner and method of debt financing, if necessary.
- 3) The City will, as necessary and upon the advice of the Park Commission, adopt or amend the ordinances comprising Chapter 10.68 of the Ashland Municipal Code (Public Parks).

2. Organizing

A. Parks responsibilities

- 1) Parks will determine the nature and structure of functional divisions in the Department and how best to structure day-to-day responsibilities among and within functional divisions.
- 2) Parks will allocate appropriated resources within budget limits for the purpose of achieving its adopted goals and objectives, as well as the smooth day-to-day operation of the Department.
- 3) Parks will continue to contract for services as necessary and appropriate. When contracting for services, Parks will adhere to all provisions of AMC Chapter 2.50, Local Public Contract Review Board, and shall use only those bid forms and contracts that have been approved by the Finance Director, Public Contracting Officer and City Attorney.
- 4) Per City Council Resolution 2013-25 and AMC 2.16, Parks will, with the assistance of the Human Resources Office, hire its parks and recreation director, including development of search criteria and interview processes.
- 5) Parks will continue to provide a representative to the City risk management committee.

B. City responsibilities

- 1) The City will serve as the Local Contract Review Board.
- 2) The City will develop and enforce all codified public contracting rules.
- 3) The City will develop and enforce all codified personnel rules, as well as

- administrative policies necessary for compliance with state and federal laws.
- 4) The City will develop and enforce all risk management policies.
 - 5) The city administrator will seek input from the parks & recreation director when developing public contracting rules, personnel rules and administrative policies, and risk management policies, whether for formal adoption by the City Council or administrative approval.

3. Budgeting and Financial Management

A. Parks responsibilities

- 1) As part of each annual or biennial budget process, using whatever process it deems appropriate, Parks will develop and recommend a budget to the Budget Officer.
- 2) Parks will set recreation fees and rental rates for all Parks-related facilities except the Community Center, Pioneer Hall and the Grove, for which Parks will recommend rates for adoption in the City rate review process. All Parks fees and rates will be included in the City's Master Rate and Fee Schedule.

B. City responsibilities

- 1) The City reserves and will employ all authority assigned to it under Oregon Local Budget Law (ORS 294), the Ashland City Charter and any other applicable law. This includes the authority to:
 - a) Appropriate funds;
 - b) Adopt an annual or biennial budget;
 - c) Refer tax measures to the voters;
 - d) Set the City tax rate within the limits of the City's Measure 50 permanent tax rate;
 - e) Provide funding for capital improvements, including the issuance of debt;
 - f) Establish new, increased or decreased taxes, fees and charges (except fees and rental or program rates set by Parks), including such taxes, fees and charges as may be established without voter approval; and
 - g) Commit discrete revenue streams to specific purposes.

C. Other responsibilities for accounts payable, accounts receivable, payroll, purchasing, cash receipts, fixed assets and project accounting are shown in the attached exhibit B.

4. Directing

A. Parks responsibilities

- 1) Parks will assign duties and responsibilities to Parks staff, consistent with position descriptions and the operational requirements of Parks.
- 2) Parks will develop and implement policies and procedures regarding park land maintenance.
- 3) Parks will establish priorities for Parks staff.
- 4) Parks will implement procedural work policies for Parks staff.
- 5) Parks will create and maintain current position descriptions for all Parks staff positions. All position descriptions will continue to be reviewed as to form by the City Human Resources Manager.

- 6) In directing the work of Parks staff:
- a) Parks will continue to adhere to all provisions of AMC 3.08, General Personnel Policies and Employment Responsibilities.
 - b) Parks will continue to adhere to all City administrative policies. Parks may adopt rules, regulations, procedures and administrative policies that are specific to its operations. Such administrative policies shall be in harmony with the requirements established in the City's codified personnel policies and adopted administrative policies and shall in no case be less restrictive than the City's adopted policies. Parks shall continue to adhere to the City's adopted administrative policies regarding Prevention of Violence in the Workplace, Harassment and Non-Discrimination, Vehicle and Motorized Equipment Driving, IT Security, Electronic Media and Technology Use, Family Medical Leave, Equal Employment Opportunity and Affirmative Action, and Military Leave.
 - c) Parks will continue to take no disciplinary action against any employee beyond a verbal reprimand without first consulting with the City Attorney and Human Resources Manager.
 - d) Parks will continue to ensure that all employees attend mandatory trainings; whether mandatory as determined by the City Human Resources Manager, the City Risk Manager or by state or federal law.
 - e) Parks and Recreation Director will, in consultation with the human resources manager, establish classifications for Parks employees. The Parks and Recreation Director will also establish compensation and benefit packages for Parks employees, subject to the statutory budget process.
 - f) Parks, with the advisement of the City Human Resources Manager, will establish COLAs for Parks & Recreation employees, subject to the statutory budget process.
 - g) Parks will continue to complete Personnel Action forms, under the supervision of the Human Resources Manager.
 - h) Parks will coordinate all Parks-related worker's compensation claims, under the supervision of the Human Resources Manager
 - i) The Parks Department can develop its own Facebook and Twitter pages, as well as YouTube videos for instructional and educational purposes. The Parks Department will comply with the City's Website and Social Media policy, except that the Parks Department may develop non city-standard web sites for senior populations and stand-alone recreation enterprises. Parks will, to the greatest extent practical, adhere to the provisions of the City of Ashland Employee Communication Guide, until the Department, in cooperation with the City, prepares its own Employee Communication Guide.

B. City responsibilities

- 1) The City will establish citywide personnel rules and policies.
- 2) The City will establish city classifications and compensation rates. Parks will work toward aligning classification and compensation rates with City structure whenever it is possible and appropriate.
- 3) The City will maintain all personnel files, including Parks', which will be kept in

secured storage in the Human Resources Office. Personnel files will include training records. Electronic versions of Personnel Action Forms prepared by Parks staff will be stored in a secure folder on the City network, to which City HR staff has access.

- 4) The City will process all worker's compensation claims and will complete the annual OR-OSHA 300 Log.
- 5) The City will continue to coordinate the enrollment of all Parks employees in City benefit programs.
- 6) With the exception of the Parks and Recreation Director, the City will oversee all recruitment and selection processes, including:
 - a) All job postings will be processed through the Human Resources Office and posted using NEOGOV or any succeeding software.
 - b) Interviews will be scheduled/coordinated by the Human Resources Office, which will also provide input and assistance with the interview process, including development of interview questions, providing instructions to panelists, and distributing final interview packets to panelists. Panelists will be selected by the hiring manager in Parks. A Human Resources representative can serve as a panelist if desired by the hiring manager.
 - c) Written job offers and advanced acknowledgement of the "critical" City policies will be handled by the Human Resources Office (excluding part-time temporary hires).
 - d) The City will conduct background checks on all new hires in temporary or regular positions, using a third party vendor if necessary.
 - e) In coordination with Parks, the City will provide orientation on City benefits for all new hires, or employees who promote into a regular position with benefits.

5. Evaluating

A. Parks responsibilities


- 1) Parks will evaluate employee performance (supervisors) and conduct annual reviews using City-standard evaluation forms or other forms that have been approved by the Human Resources Manager.
- 2) The Parks Commission will evaluate the performance of the director.
- 3) Parks will analyze program performance to ensure effective and efficient service delivery
- 4) Parks will review and analyze all general ledger activity reports to ensure accuracy
- 5) Parks will analyze and categorize physical conditions of facilities under Parks control
- 6) Parks will cooperate with auditors during on-site audits and throughout the year, and shall accept the CUFR after it is approved by the Municipal Audit Commission.

B. City responsibilities

- 1) The City will monitor budget compliance
- 2) The City will prepare for annual audit, including:
 - a) Compile year-end figures and financial reports, and assure balancing of funds

- b) Work with auditors during on-site audits and throughout year
- c) Generate CUFR (or blended CAFR if required by GASB 61)
- d) Communicate with and staff the Audit Committee
- e) Assure compliance with State of Oregon Statutes and provide documentation to State

For the Parks & Recreation Commission:


Stefani Seffinger, chair

For the Ashland City Council:

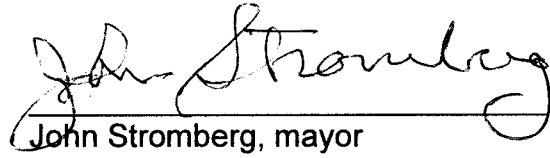

John Stromberg, mayor

Exhibit A

Management: Planning; Organizing; Budgeting; Directing; Evaluating

Planning

Parks

Master plans
Functional plans
Capital improvement plans
Create rules for use of park land and facilities

City

Comprehensive plan (parks input)
CIP funding, incl. debt financing

Organizing

Parks

Determine functional divisions
Allocation of appropriated resources
Contract for services within limits

City

Local Contract Review Board

Budgeting

Parks

Recommend budget to Budget Officer
Set recreation fees and rental rates*
* exc. Comm. Ctr., Pioneer Hall and The Grov

City

Appropriate funds and adopt budget
Refer tax measures, set tax rate
CIP funding, incl. debt financing
Establish other revenue streams
Establish SDCs

Directing

Parks

Assign duties and responsibilities to Parks staff
Establish priorities for Parks staff
Procedural work policies
Policies re park land maintenance
Establish personnel rules and policies
(with guidance from Legal, Finance and Personnel)
Establish classifications and compensation rates
Determine COLAs and benefits

City

Establish citywide personnel rules and policies
Establish city classifications and compensation rates

Evaluating

Parks

Evaluate employee performance (supervisors)
Evaluate director (commission)
Analyze program performance
Monitor budget compliance
Analyze and categorize physical conditions

City

Monitor budget compliance

EXHIBIT B

Service	City's Responsibility	Parks' Responsibility
<p><u>Accounts Payable:</u> - The process for issuing checks for all invoices.</p>	<p>Enter the expense in correct period (monthly) Request and manage w-9's from the vendor Ensure payment is correct, accurate and on time. Maintain all documentation for review Report and maintain 1099's</p>	<p>Validate that the expenses are necessary and needed Approve all expenses Code the expense to the proper category Turn in paper work on timely basis. Attach the appropriate documentation</p>
<p><u>Accounts Receivable:</u> - The process for issuing invoices (bills) owed to Parks.</p>	<p>Enter the revenue in the correct period (monthly) Enter and mail out the invoice on a timely basis Ensure the payment is received Notify the department of status Maintain all the documentation for review</p>	<p>Validate that revenue on bills is correct and meets current rates. Code the Revenue to the proper category Turn in paper work on timely basis.</p>
<p><u>Payroll:</u> - The process for issuing employees pay.</p>	<p>Enter payroll costs in correct period Ensure checks are issued on time and accurate Report W-2's Report Federal and State Taxes Maintain all the documentation for review</p>	<p>Validate the employee's FTE & coding Review and approve timesheets to ensure employee is recording their time correctly Turn in timesheets on a timely basis Review and ensure employees are in compliance with using leave that is available.</p>
<p><u>Purchasing:</u></p>	<p>Issue Purchase order Maintain back-up documentation Assist with bids & quotes for purchases</p>	<p>Ensure employees are purchasing only appropriate items Following the purchasing rules and regulations Turn in appropriate documentation</p>
<p><u>Cash Receipts:</u></p>	<p>Balance to the bank accounts Notify supervisors of substantial discrepancies</p>	<p>Enter it into Financial System on a daily basis Be consistent when posting to Revenue Validate that the daily deposits match the Cash receipts</p>
<p><u>Fixed Assets:</u> <u>Project Accounting:</u></p>	<p>Enter, Maintain and disposal of assets in Financial System Keep all records Generate Project number Provide informational reports Make project Adjustments</p>	<p>Sign off quarterly of Listing Ensure that fixed assets are kept safely and prevent loss of assets Dispose of the fixed assets per code. Request number for project Turn in proper documentation Code Revenues and Expenses to project as needed Notify staff of project status</p>
<p><u>Reporting:</u></p>	<p>Have reports available for review on a consistent basis Be able to tie the numbers</p>	<p>To be able to speak to abnormal changes To be able to speak to your activities To understand and fully review all monthly activity reports from the GL and be able to analyze data to ensure that it is accurate and reasonable.</p>

**MEMORANDUM OF UNDERSTANDING
CITY OF ASHLAND AND ASHLAND PARK AND RECREATION COMMISSION
FY 2012-2013**

Agreement made this 20th day of March, 2012, between the City of Ashland ("City") and the Ashland Park and Recreation Commission ("Parks") are effective for the next adopted budget.

RECITALS

A. Local government may enter into agreements for the performance of any and all functions and activities that any party to the agreement, its assigned personnel or agents have authority to perform.

B. City and Parks have successfully shared the cost of operations and staff at various levels including the use, operation and maintenance of facilities, landscaping, accounting and repair work for many years and desire to share resources and work collaboratively to jointly maintain and manage facilities, grounds and cooperatively provide services.

C. City and Parks desire to formalize their commitment by entering into this agreement in the spirit of cooperation and with the understanding that the facilities and grounds shared and maintained and service provided will be done to provide cost savings and economies of scale to both parties.

D. Attached as Exhibit A is a summary list of services provided between agencies for FY 2012-2013.

E. City and Parks may agree to provide other services to one another, or to cost share other services, as part of this agreement without prior revision. Changes in identified services, service levels, payment for services and additional services will be agreed upon administratively and in writing in advance of providing the service. The specifics of such changes will be addressed in the next revision of this agreement if warranted.

The City and Parks agree:

1. Internal Services. The City provides Parks with administrative services via the Central Service, Insurance Service, Equipment funds and Facilities Division. These services include Administration and oversight, Legal, Human Resources, Risk Management, Budgeting, Purchasing, Accounting & Financial Reporting, Computer and Telephone Technology, Facilities Maintenance and other services as needed. The listed services are annually calculated and allocated based upon estimated benefit received to all departments of the City and Parks is charged their prorated share. Specific accounting tasks transferred to the City and responsibilities are identified in Exhibit C.

2. Other Services and Staff. Services are routinely provided between the City and Parks to meet various needs on an ongoing and sometimes on an ad hoc basis. Unless otherwise indicated, these services are treated as revenue and expenses in the budget in the General Fund and Parks and Recreation Fund on a monthly basis. The following list identifies the agreed upon services for FY 2009-2010:

2.1. Central Area Patrol - The City Police Department provides security patrols to Lithia Park, Plaza area and the City is reimbursed by Parks for 50% actual wages to a cap of \$51,000.

2.2. Park Patrol - The City Police Department provides security patrols to Lithia and the outlying Park areas during April – October and is reimbursed by Parks at 50% to a limit of \$30,000. The Police Department provides the equipment.

3. Facilities and Structures. Services are routinely provided between the City and Parks to meet various needs on an ongoing and sometimes on an ad hoc basis. The following list identifies the agreed upon services for FY 2012-2013:

3.1. Community Center & Pioneer Hall – The City reimburses Parks on maintenance and repair costs for agreed upon work. Parks provides all custodial labor and supplies for the Community Center and Pioneer Hall; handles small repairs such as fixing faucets, drapery hanging, and landscaping such as planting flowers, weed control, and shrub pruning. Parks also handles all scheduling and coordination for the buildings. In return, Parks receives and keeps all rental revenues from the facilities. All capital improvements such as roof repair, painting, and floor refinishing and replacement are the responsibility of the City.

3.2. Band Shelter - The City pays the Parks for maintaining and repairing the shelter as needed within the budgeted \$4,800 (\$1,200 per quarter). Maintenance involved at the band shell including cleaning and setting of park benches; cleaning the stage and storage areas. Parks is responsible for all landscaping in the band shell area. All capital repairs including painting, electrical, doors, and structural work are responsibility of the City.

3.3. The Grove - Parks coordinates access to the building and schedules. The City provides maintenance and repair work. Revenues for events accrue to Parks but some costs may be shared between agencies to minimize the impact.

4. Landscaping and Grounds Maintenance. Services are routinely provided to the City by Parks to meet various needs on an ongoing and sometimes on an ad hoc basis. These services are treated as revenue and expense between funds with a \$197,000 annual limit that can be adjusted over time. The following list identifies the agreed upon services for FY 2012-2013:

4.1. The Plaza & Downtown Entry Areas – The City pays Parks to maintain lawns and plants in the Plaza and entry areas to downtown. Parks provides all landscaping and irrigation maintenance at The Plaza, north entry, downtown. This includes all plant pruning, weeding, flower replacement and minimal tree pruning for visibility and safety, turf mowing and care, irrigation scheduling and testing repair as necessary. Any capital repairs such as planter replacement, complete removal, and large structural pruning of downtown trees is the responsibility of the City.

4.2. Siskiyou Boulevard & Ashland Street - The City pays Parks to maintain the plants and mow grass on these streets. Parks is responsible for all mowing, edging, fertilizing of turf, weed control in beds, pruning and replacement of occasional shrubs, litter pickup on a routine basis, and flowers replanted according to season, as well as irrigation scheduling and repairs as needed. Any major rework or complete change will be the responsibility of the City.

4.3. Airport - The City pays Parks to mow the grass at the airport. Parks is responsible for mowing areas around runway, taxi-way and hangar facility, as well as landscaping around FBO

building, including lawn area, shrubs, pruning, flower replacement, and irrigation scheduling and repairs as needed. (See Exhibit B - map)

4.4. Substations - The City pays Parks to mow grass at substations. At the substation on North Mountain Avenue the City pays Parks to maintain shrubs, control weeds, and irrigation scheduling and repairs as needed.

5. Fleet Maintenance. The City will provide fleet maintenance and repair for Parks and charge for services in a manner consistent with City Departments. Fleet operations overhead will be allocated to Parks in a prorated share based upon number and type of vehicles/equipment to be maintained and shared benefit of the Division. City will accept Parks employees dedicated to their shop program. City will maintain transferred positions for at least one year and employ transferred employees for as long as it is feasible based upon operations, budget and performance.

6. Other Services. The City and Parks will, on occasion, need to trade services or share costs and any sharing of expenses or potential payment of fees for those services will be negotiated at that time.

7. Length of Agreement. The term of this Agreement shall commence on July 1, 2012, and continue for a period of one year. It will automatically renew on an annual basis unless terminated by either party per this section. The City and Parks shall periodically review this Agreement and modify it as they mutually agree to be appropriate during the year. Changes in services and/or responsibility for costs or revenues will be agreed upon annually as part of the budget process prior to a proposed budget is submitted to the Budget Committee. Changes to the proposed services may be done during the budget process with mutual agreement.

8. Termination. Neither party may terminate this Agreement for a breach by the other party without first providing the other party written notice of the specific nature of the alleged breach and a reasonable opportunity to cure the breach. A reasonable opportunity to cure the breach shall be 30 days or such other lesser or greater time as is appropriate given the nature of the breach and the time necessary to cure it. Annual renewal of this agreement will occur unless either party provides written notice during the budget process but no later than 60 days prior to the start of a fiscal year.

CITY OF ASHLAND

COMMISSION

ASHLAND PARKS AND RECREATION

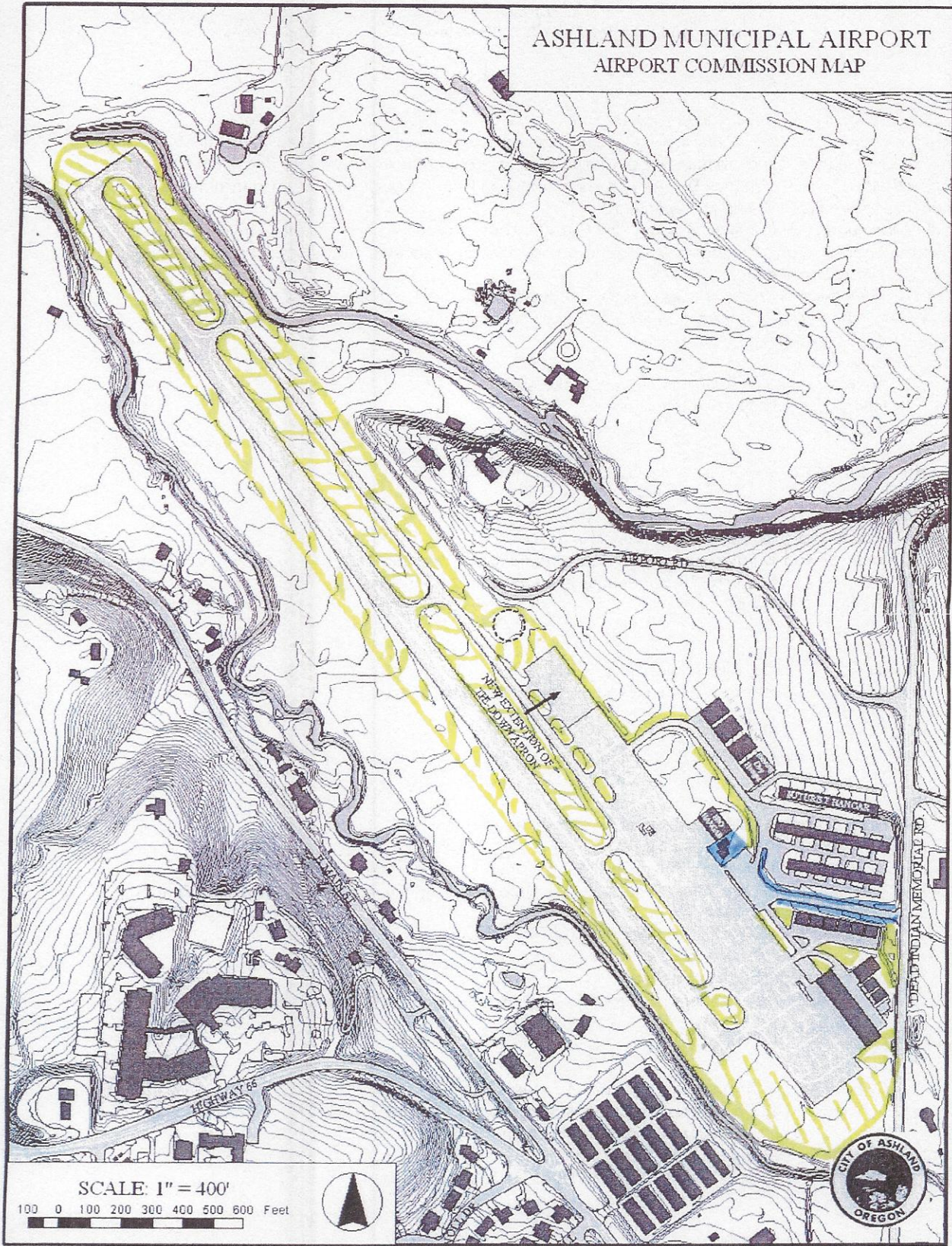
By: John Stromberg
Title: Mayor
Date: 3/20/2012

By: JoAnne Eggers
Title: Parks Commission Chair
Date: 3/6/2012

FY 2012-2013 MOU Exhibit A

SERVICE	ACTIVITIES/TASKS	PROVIDER	DEPT/ORG WHO PAYS	FY 2011-2012 AMOUNT	Method of Calculation
Internal Services - General	All Administrative functions including but not limited to Human Resources, Legal, Recording, Treasury, Purchasing, Technology, Risk Management, Facilities, etc.	City of Ashland - Applicable Departments in Internal Service Divisions	Parks	\$340,000	Prorated share established in budget
Internal Services - Finance & Accounting	Accounting functions including but not limited to financial reporting, GL, PR, AR, AP - See Exhibit C	City of Ashland Admin Services/Finance Department	Parks	Included above	Prorated share established in budget included in internal services charge
Central Area Patrol	Maintains Downtown Area Security	Police	Parks	\$51,000	
Park Patrol	Maintains Park Security	Police	Parks	\$30,000	Set amount
Facilities Maintenance	Building maintenance functions agreed upon annually	City of Ashland Admin Services/Finance Department	Parks	\$45,000	Prorated share established in budget
Liability, Auto and Property Insurance-Parks	Workers Compensation Insurance	City of Ashland	Parks	\$40,000	Prorated share established in budget, premiums & claims cost.
Workers Compensation Insurance-Parks	Workers Compensation Insurance	City of Ashland	Parks	As calculated	Paid with payroll per state required rates
Band Shelter	Maintenance	Parks	City of Ashland Maintenance	\$4,800	Set amount
Airport Mowing	Maintenance	Parks	Public Works-Airport	\$4,300	Set amount
Substation Mowing	Maintenance	Parks	Electric	\$1,000	Set amount
Boulevard/Plaza Maintenance	Substation, Fire landscape and airport mowing	Parks	Public Works-Street & Fire Dept.	\$197,000	Grounds maintenance, including supplies
Fleet Maintenance	Maintains Park Fleet & Related Equipment	City of Ashland	Parks	\$204,000	TBD

ASHLAND MUNICIPAL AIRPORT
AIRPORT COMMISSION MAP



SCALE: 1" = 400'

100 0 100 200 300 400 500 600 Feet



landmarks
Field markings

City of Ashland
Accounting and Finance Services Provided to Ashland Park Commission
Exhibit C
1 OF 4

NOTE:

Only accounting processing and necessary tasks have been transferred and are paid for. Responsibility for the audit, financial report, audit comments, responses to the auditor comments and any other managerial issues remain with the Parks Director, consistent with those required of the City Administrator. The City Finance Department is a resource to Parks but cannot assume managerial or audit responsibilities for Parks Management.

If, in the normal performance of accounting tasks or while processing accounting documents, City staff observes errors and/or documents that raise questions, Finance Management will contact Parks Management for clarification or action.

Parks Management retains the responsibility to oversee, manage, train and review the work and processes in their areas, performed by their staff and volunteers, including, but not limited to:

- 1 Cash handling and documentation
- 2 Data input
- 3 Software selection, use, updates and processing
- 4 Internal controls and risk management
- 5 Security of assets.

TASKS TO BE PERFORMED BY FINANCE:

Ongoing:

All accounts payable: pay invoices, vendor maintenance
All payroll: bi-weekly payroll, employee input and maintenance, payroll payables, quarterly taxes and reports
Manage Youth Activity Levy fund (revenues and contractual transfers to Ashland School District)
Other duties as assigned

Daily:

Deposits (Park Office, Community Centers, Nature Center)
Spreadsheet updates: Daily cash, Oak Knoll, Daniel Meyer Pool, Ice Rink

Bi-Weekly:

Oak Knoll: calculate Golf Pro payment for daily receipts (payable through ap)

Monthly:

Oak Knoll: calculate Golf Pro payment for annual memberships (payable through ap)
Journal entries:
Revenues for Oak Knoll, Pool, Ice Rink, Tax turnovers (from City)
City internal charges (central services, insurance, fuel, warehouse, misc. ap invoices paid through City)
Interest allocation from City
Balance Park to City cash (checks issued, cash receipts, clearings)
Financial statements and Eden detail reports to Park Admin. Group:
Park combined statements
Financials by department (Oak Knoll, Community Centers, Nature Center, Senior Center)

Quarterly

Invoice/Billing:

City (Siskiyou Blvd and other City area maintenance)
Ashland School District (Nature Center school programs, grounds maintenance (if applicable))
Ashland Community Hospital (grounds maintenance)
Misc. items as requested from Park staff
Payroll quarterly tax reports, workers comp reports, and all regulatory items as needed

City of Ashland
Accounting and Finance Services Provided to Ashland Park Commission
Exhibit C
2 OF 4

Quarterly - continued

Journal entries:

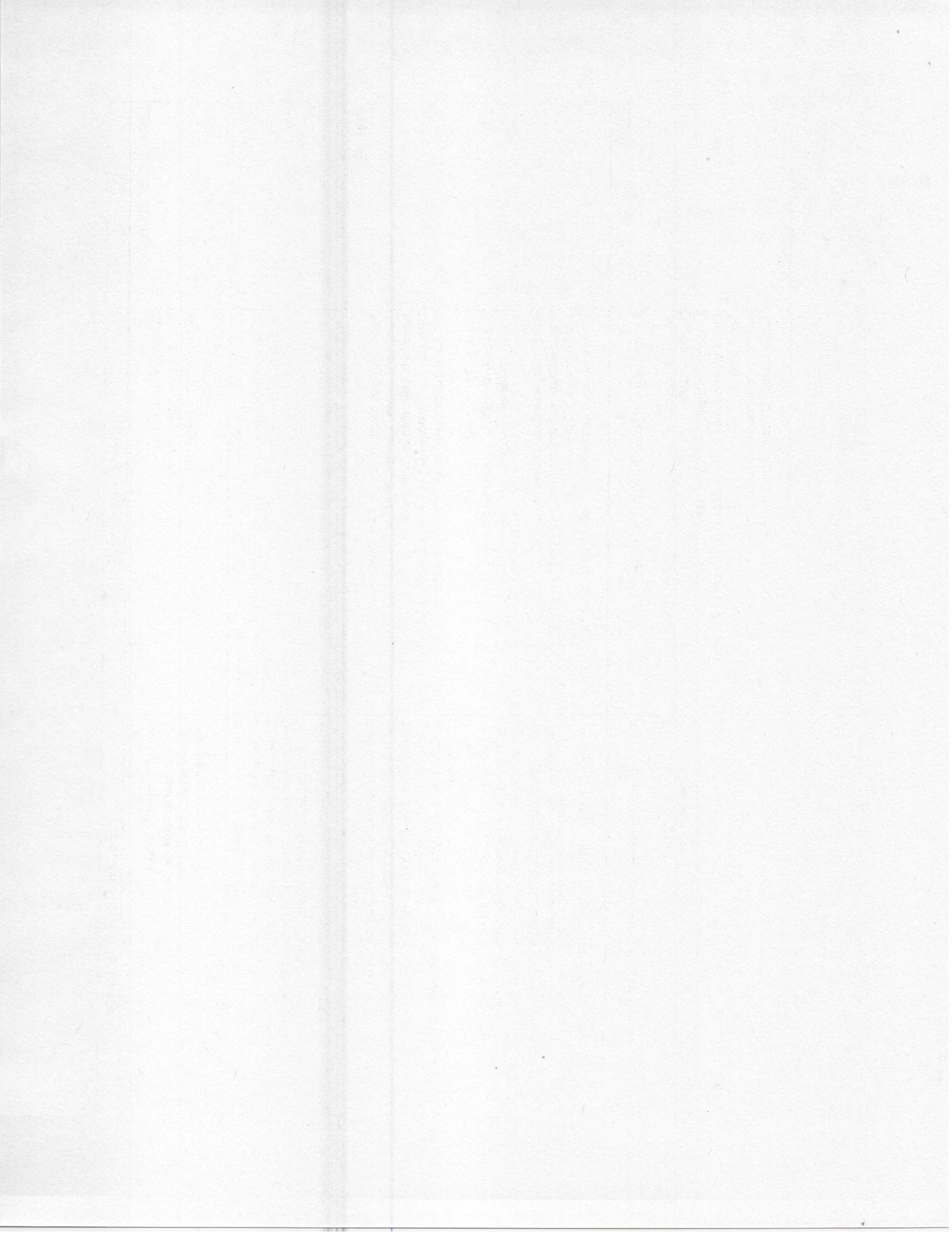
Personal service allocation from Youth Activity Levy to Recreation Division
Equipment replacement from Park and Golf Divisions to Capital Improvement Fund
Transfer from Park Fund to Capital Improvement Fund

Annual

Event statements and record keeping (Bike Swap, 4th of July Run, Mt Ashland Run)
Youth Activity Levy materials and service allocations to Recreation Division
PERS annual reports, W2s, 1099s
Budget
Audit
CAFR
COLAs
Gas tax refund application
GFOA award application

Service	City's Responsibility	Park's Responsibility
Accounts Payable: - The process for issuing checks for all invoices.	Enter the expense in correct period (monthly) Request and manage w-9's from the vendor Ensure payment is correct, accurate and on time. Maintain all documentation for review Report and maintain 1099's	Validate that the expenses are necessary and needed Approve all expenses Code the expense to the proper category Turn in paper work on timely basis. Attach the appropriate documentation
Accounts Receivable: - The process for issuing invoices (bills) owed to the Parks	Enter the revenue in the correct period (monthly) Enter and mail out the invoice on a timely basis Ensure the payment is received Notify the department of status Maintain all the documentation for review	Validate that revenue on bills is correct and meets current rates. Code the Revenue to the proper category Turn in paper work on timely basis.
Payroll: - The process for issuing employees pay.	Enter payroll costs in correct period Ensure checks are issued on time and accurate Report W-2's Report Federal and State Taxes Maintain all the documentation for review	Validate the employee's FTE & coding Review and approve timesheets to ensure employee is recording their time correctly Turn in timesheets on a timely basis Review and ensure employees are in compliance with using leave that is available.
Purchasing:	Issue Purchase order Maintain back-up documentation Assist with bids & quotes for purchases	Ensure employees are purchasing only appropriate items Following the purchasing rules and regulations Turn in appropriate documentation
Cash Receipts:	Balance to the bank accounts Notify supervisors of substantial discrepancies	Enter it into Financial System on a daily basis Be consistent when posting to Revenue Validate that the daily deposits match the Cash receipts
Fixed Assets:	Enter, Maintain and disposal of assets in Financial System Keep all records	Sign off quarterly of Listing Ensure that fixed assets are kept safely and prevent loss of assets Dispose of the fixed assets per code.

Service	City's Responsibility	Park's Responsibility
Project Accounting:	Generate Project number Provide informational reports Make project Adjustments	Request number for project Turn in proper documentation Code Revenues a and Expenses to project as needed Notify staff of project status
Reporting:	Have reports available for review on a consistent basis Be able to tie the numbers	To be able to speak to abnormal changes To be able to speak to your activities To understand and fully review all monthly activity reports from the GL and be able to analyze data to ensure that it is accurate and reasonable.
Budget:	Assist with projections for year end when needed Generate Position Costing information Assist with instruction on Eden input Compile Eden Proposed Detail that was entered by Department Proposed budget reviewed by Finance Director Generate Long Term budget projections Assist with formatting narrative for document Communicate with Budget Committee Assist with presentation materials Prepare Resolution to Adopt Budget and Make Appropriations, and Ordinance to Levy Taxes Provide Jackson County with signed Ordinance Levying Taxes	Provide known information and industry trends Verify and notify if any abnormalities Input of Departmental Proposed Budget Verify to ensure accuracy Verify to ensure accuracy and to discuss with Director and City Administrator Review and verify for accuracy Verify information is correct and provide in timely manner Communicate with Ashland Park Commission and relay to City Present Departmental Budget to Budget Committee Understand and abide by appropriation level Understand and be able to discuss Property Tax revenue
Audit	Compile year end figures and assure balancing of funds Work with Auditors during on site audits and throughout year Generate CUFRR Communicate with Audit Committee Prepare and submit GFOA Certificate of Achievement Award Application Assure compliance with State of Oregon Statutes and provide documentation to State of Oregon	Submit correct information to ensure Financial Records are accurate Be prepared to speak to your activities Prepare transmittal letter Attend Audit Committee meeting Assist staff with Statistical information



RESOLUTION NO. 2022-30

RESOLUTION CLARIFYING THE ROLES AND RESPONSIBILITIES OF THE ASHLAND PARK COMMISSION AND ASHLAND RECREATION COMMISSION WITH THE CITY OF ASHLAND

RECITALS

A. Whereas, under the Ashland City Charter, the Ashland City Council is the sovereign authority over all matters of City-wide concern and responsible for the ownership of all land and other assets held in title by the City.

B. Whereas, The Ashland City Charter, Article XIX creates an elected Ashland Park Commission, which under Article XXII also serves as the Ashland Recreation Commission, and empowers the Park Commission with "control and management of all the lands here dedicated for park purposes" and further empowers the Commission with "control and management of all park funds, whether the same is obtained by taxation, donation or otherwise, and shall expend the same judiciously for beautifying and improving the City's parks."

C. Whereas, The Ashland City Charter, Article XIX-A creates the Open Space Park Program that empowers the Park Commission with "control and management" of dedicated open space lands and specifies "Monies dedicated to the Open Space Park Program shall be expended only for Open Space lands or easements, for costs of acquisition and for such other purposes pertinent to the Open Space Park Program,"

D. Whereas, The Ashland City Charter, Article VIII-A establishes the position of City Manager "as the chief executive and administrative head of city government" and stipulated under Section 4 of the Article that "The City Manager must:

1. Attend all Council meetings unless excused by the Mayor or Council;
2. Make reports and recommendations to the Mayor and Council about the needs of the city;
3. Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
4. Appoint, supervise and remove all non-elected department heads and other city employees, except as follows:
 - a. The Ashland Parks and Recreation Commission shall have responsibility for appointing, supervising, and removing its employees, subject to state law, Ashland Municipal Code, written mutual agreements between the City Council and Ashland Parks and Recreation Commission, and formal, written City administrative policies.
 - b. Employees who report directly to the Mayor and City Council shall be

appointed, supervised, and removed by the Mayor and City Council and shall be termed appointive officers.

5. Organize city departments and administrative structure, except that the City Manager shall have no responsibility for the supervision of the City Attorney's Office or the Ashland Parks and Recreation Commission;
6. Prepare and administer the annual city budget; ...
7. Administer city utilities and property; ...
11. Delegate duties to any city employee, in a manner consistent with the provisions of the City Charter, the Ashland Municipal Code, state and federal employment law, and collective bargaining agreements."

E. Whereas, Due to the May 19, 2021, addition of Article VIII-A City Manager to the City Charter and the recent Memorandum dated September 15, 2022, by the Acting City Attorney (see attached), the City Council wishes to clearly and confirm the corresponding roles and relationships of the Ashland Park Commission, Ashland Recreation Commission and City Manager in conformance with the City Charter.

F. Whereas, the City Council Resolutions 2007-14 and 2013-25 and, the March 20, 2012, and August 19, 2014, Memorandum of Understanding between the Ashland City Council and the Ashland Parks and Recreation Commission are no longer necessary or appropriate.

G. Whereas, provision in the Ashland Municipal Code (AMC) require updating to correspond to the current City Charter, including in AMC 2.16 – Recreation Commission and AMC 2.28 – Administrative and Operating Departments, and to also establish City departments for Parks and Recreation, Information Technology and City Recorder operations.

NOW THEREFORE, THE CITY COUNCIL RESOLVES THE FOLLOWING:

Section 1. The resolutions 2007-14 and 2013-25 are repealed and the City Council withdraws from the March 20, 2012, and August 19, 2014, Memorandums of Understanding between the City of Ashland or Ashland City Council and the Ashland Park and Recreation Commission to reset the corresponding roles, responsibilities and relationships between the Ashland Park Commission, Ashland Recreation Commission and City Management.

Section 2. The City Council reiterates and affirms the following roles and responsibilities of the Park and Recreation Commissions in compliance with the City Charter:

Asset Management and Planning

- Control and manage City park lands and open space park lands as defined in the City Charter or Ashland Municipal Code (AMC) while dedicated for such park purposes.
- Develop master plans for the development, operation and maintenance of park and open space park lands and facilities under its control.
- Develop and propose capital improvement plans (CIPs) for the expenditure of appropriated park funds which must be used for "beautifying and improvement

of City’s parks” and appropriated monies for costs of open space acquisition and development.

- Coordinate with the City Council to agree on land or easements to be acquired for open space park purposes.
- Create policies, rules, and regulations for use of park land and open space park land, and related facilities, and for recreation programs, providing such rules are not in conflict with City policies or AMC ordinances. The created policies are for the purpose of maintaining and preserving park land, for ensuring the public’s enjoyment of park land, and for protecting public safety. Policies are to be proposed to the City Council for adoption in the AMC. Appeals of Park or Recreation Commission policies can be appealed to the City Council.

Budgeting and Financial Management

- Control and manage City Council appropriated “park funds” as defined by Article XIX of the City Charter which must be used for “beautifying and improving the City’s parks.”
- Allocate “park funds” within budget and appropriation limits for the purpose of achieving adopted priorities, goals, and objectives.
- Develop and recommend a budget that proposes priorities for the City’s Park and Recreation Department to the City Manager in the format proscribed by the City’s Budget Officer.
- Develop and recommend recreation fees and rental rates for all park land related facilities and recreation programs for inclusion in the City’s Master Rate and Fee Schedule.

Evaluating

- Participate in the performance evaluation of its assigned direct reporting staff.
- Analyze and categorize physical conditions of park lands and facilities.
- Analyze park lands and open space park lands management, and recreation programs performance to ensure effective and efficient service delivery.

Section 3. The roles and responsibilities of the City under the City Charter are as follows:

- The City Manager, or their designee, is directed to provide such administrative and managerial support necessary and appropriated in the Parks and Recreation Department budget for the Ashland Park Commission and Ashland Recreation Commission to meet their responsibilities under the City Charter as provided above in this resolution and under the AMC or otherwise assigned by the City Council. The City Manager is directed to make such reasonable efforts as necessary to assure a smooth administrative and managerial transition from the resolutions and memorandum of understanding identified in Section 1 above. The transition should be undertaken to provide stability in Park and Recreation Commissions functions with the effective change limited to the City Manager being assigned as the lead executive responsible for assuring administrative support to the Park and Recreation Commissions.

- The City Manager is also directed to promote cooperation between the City Council, the Park and Recreation Commissions, City staff and Ashland citizens in the transitioning of managerial support under this resolution and in developing city policies to build a greater sense of community in Ashland.
- The City will formally create a Parks and Recreation Department, or if appropriate then separate Parks and Recreation Departments, in the AMC consistent with the establishment of other City departments at such time as it also establishes the City’s Information Technology and City Recorder departments.
- The following City responsibilities are assigned to the Parks and Recreation Department or other City department as deemed appropriate:
 - Facilitation of all senior programs and activities for the City of Ashland;
 - Responsible for the Community Center, Pioneer Hall and The Grove;
 - Landscaping and grounds maintenance for the Plaza at City Hall, Siskiyou Boulevard and Ashland Street, the Airport and utility substations.

Section 4. The Acting City Attorney, or their successor, is directed to prepare and post for City Council approval as soon as is practical such AMC amendments, including to AMC 2.16 and AMC 2.28.040, as are appropriate to correspond City ordinances with the above provisions of this clarifying resolution. Also, AMC 2.28 – Administrative and Operating Departments is to include the establishment of the departments or offices identified in Section 3 above.

Section 5. This resolution is effective upon adoption.

ADOPTED by the City Council this _____ day of _____, 2022.

ATTEST:

Melissa Huhtala, City Recorder

SIGNED and APPROVED this _____ day of _____, 2022.

Julie Akins, Mayor

Reviewed as to form:

Douglas M. McGeary, Interim City Attorney

Memo

DATE: 09-15-2022
TO: Joe Lessard, City Manager
Michael Black, Parks Director
FR: Douglas M McGeary, Acting City Attorney
RE: City Manager/Council Authority respecting Parks Commission

BACKGROUND:

The City Charter vests the City Council and the Mayor with all powers of the City. Charter VIII §1. The Charter, however, further establishes two separate commissions within the City organization, the "Ashland Park Commission" and the "Ashland Recreation Commission", which are elected and have their own powers. These powers include "control and management" of dedicated city park lands and open space park program lands, and of "park funds" which shall be expended "for beautifying and improving the City's parks." Because the individuals comprising the boards for both bodies are the same, the City has historically come to treat them as a combined commission.

The historic relationship between the City Council (the "City") and the two commissions appears as one of allowance under a Mayor/City Administrator or "strong mayor" form of governance until recently changed in the Charter. That is, the Mayor and City Council has allowed or authorized the Park or Recreation Commissions, as the Park and Recreation Commission, to oversee Park and Recreation operations. This deference is natural given the likely tendency for an elected official to accede to the specific charge of another elected body, particularly one that is expected to accumulate expertise in its assignment.

The City Charter of Ashland was amended by public vote in 2020 adding Article VIII-A to the City Charter that established the position of City Manager to oversee City business operations. This change transitioned the City to a Council-Manager form of government. This governance model is a manager centric or "strong manager" form of government often adopted by larger municipalities or more complex organizations. The City's Chief Executive Officer (CEO) responsibilities, once assigned to the mayor, are now assigned to the City Manager in line with a CEO in the private sector to make operational and management decisions for the organization. The successes or failures of the City Manager, therefore, is more singularly dependent upon the officer's skills and abilities to respond to Mayor and Council policy decisions and control operations of the entire operation.



The language of the City Manager amendment, however, includes language that exempts oversight and management of specific "employees" from management oversight by the City Manager:

“The Ashland Parks and Recreation Commission shall have responsibility for appointing, supervising, and removing its employees, *subject to* state law, Ashland Municipal Code, written mutual agreements between the City Council and Ashland Parks and Recreation Commission, and formal, written City administrative policies.”
Charter Article VIII-A §4 (4)a. (Emphasis added)

This section of the amendment also provides that the City Manager “shall have no responsibility for the supervision of the . . . Ashland Parks and Recreation Commission.” Charter Article VIII-A §4 (5). The above exemption provides that employees assigned to the "Park and Recreation Commission" are most notably determined by or under the City Council’s plenary authority to adopt provisions of the Ashland Municipal Code (AMC), set City administrative policies, adopt City Council resolutions, or enter into memorandums of understanding (MOUs) with the Park and Recreation Commission.

Except for the language in Article VIII-A of the Charter establishing the City Manager position, there are no other references to a "Park and Recreation Commission" in the City Charter. The two Charter established commissions are part of the City organization. They are not created as independent or separate from the City as legal entities. And in that respect, there is no specific power in the Charter for either the Park or Recreation Commission to hire employees. However, the City has created through ordinance the power for the Ashland Recreation Commission “to appoint or designate some individual to act as recreation director. . . , and such other personnel as the [Recreation] Commission deems proper.” AMC 2.16.040. This Director’s office has historically answered to the two Charter established commissions.

Before the adoption of City Manager Charter provision, where respective management or operations commingled or remained ambiguous between the City and commissions, the entities found a need to form several MOUs to separate and apportion their respective share of several responsibilities to the overall organization. One main MOU has been amended over time until its last iteration dated August 19, 2014 (the “2014 MOU”) was created prior to the change to a City Manager form of governance. The 2014 MOU predominantly leaves authority over Park and Recreation employees and park land with a Park and Recreation Commission while the agreement assigns human resource functions to the City.

ANALYSIS:

A. INTRODUCTION: The 2020 adoption of Article VIII-A in the City Charter establishing the City Manager position has presented a question over what degree the Council through its City Manager may have administrative authority over the city's Park and Recreation Department and its employees. As discussed above, the Commission has historically had operational oversight of the City's Park and Recreation Department under portions of the AMC and in MOUs between the City Council and the Commission. With the hiring of a City Manager, responsibilities for the overall organization are realigned and the language within the new 2020 Charter provision must be read given plain meaning to its text, but also informed by the history of agreements that have been created and are currently used by the City and Commission.



B. **TEXT AND CONTEXT.** Under a plain text reading of the Charter, the 2020 Charter amendment does not appear to otherwise change the form of the City’s government, although the creation of the City Manager's office was clearly designed to consolidate management functions into a chief executive-type position for the City in general and specifically to appoint, supervise and remove any non-elected department heads or other city employees.

C. **LEGISLATIVE HISTORY.** To further define or interpret the text and context of the 2020 Charter amendment, the voter's pamphlet can also be considered for evidence. An overall inspection of that document indicates that the 2020 City Manager amendment was to maintain the status quo otherwise created by the Charter and developed over time.

The pamphlet indicates that the City Manager is given no extra supervisory authority over the Commission. Although neither the Park Commission nor the Recreation Commission are entities specifically authorized under the City Charter to operate independent of the City or to hire or oversee employees.

D. **GUIDANCE BY ORDINANCE AND MUTUAL UNDERSTANDINGS.** Based on the City Council’s allocation of responsibilities in the 2014 MOU, the City Manager, like the City Administrator before, currently does not have authority to manage or oversee the employees of the Park and Recreation Department. Importantly and consistent with the Charter, the MOU also provides for this Commission to develop and recommend a proposed budget to the City thereby ultimately leaving decisions of adopting the final budget with the City. It is also important to note that other MOU’s between the City and Commission, or City Council adopted resolutions have established and apportioned responsibilities between the parties for other City controlled properties, programs or funds that do not fall under the definition of park lands or park funds.

Technically, the City has not established the usual structures within the City’s organization or administrative code which would clarify and enable the two City Charter established commissions to administer their chartered functions or the MOUs assigned oversight responsibilities. The City Charter does not create a Park and Recreation Department or assign its oversight to either the Park Commission, Recreation Commission or a Park and Recreation Commission. The Park Commission is defined in the City Charter simply as “The certain board ... perpetuated and continued as five (5) members.” The charter does assign “control and management” of dedicated park lands, open space park program lands and park funds to the Park Commission but not employee or department oversight. The “control and management” language, in essence, assigns asset level oversight responsibilities to the Commission, a role not usually connected with operational management in the Council-Manager form of local government or in the private sector. There are also no Ashland Municipal Code (AMC) ordinance provisions establishing a Park and Recreation Department and its oversight, as is the case for other City departments. Finally, it is the MOUs adopted by the City Council related to Park and Recreation operations that, somewhat confusingly, allocates oversight responsibilities to either the Park Commission, simply to “Parks”, to the technically undefined “Park and Recreation Commission” or to the Park and Recreation Director to whom the Park and Recreation Commission has “delegated management responsibility.”



Compounding the lack of organizational clarity or structure related to the Park and Recreation operations, is that in limited circumstances the City Manager has been given, by City Charter, operational authority over Park Commission/Park and Recreation Commission matters to ensure performance of certain budget and asset management functions necessary to the City. These limited functions include situations involving the administration of the citywide budget for compliance and financial solvency, and management responsibility for non-park property or facilities under the Park and Recreation Departments assigned responsibilities.

The Charter has established the separate charges for the City Manager, the Park Commission and the Recreation Commission. The electorate was presented with a decision to create the City Manager position with the likely understanding that the roles between these would continue substantially unchanged but also under or subject to the plenary authority of the City Council, historically exercised to assign management oversight of Park and Recreation operation responsibilities in MOUs. Currently, it is through these ordinances and agreements that the City Manager's ultimate authority can be understood. The City Council, however, retains its historic right to adopt or alter ordinances, and enter into or continue/discontinue MOU agreements.

Through ordinances and separate agreements, the City Council and Park Commission have integrated functions and agreed upon budgeting and the allocation of employees. Over time these ordinances and separate agreements seem to have satisfied the electorate that the sharing of responsibility for various management and operational functions, whether or not the efforts fall specifically within the charge of any particular office or Commission, may be appropriate and can continue. This sharing of responsibility does not change simply due to the decision made to pass the 2020 Charter amendment establishing the office of the City Manager. Regardless, the City Council retains the right, as exercised historically, to make the allocation of Park and Recreation operational oversight under its plenary authority. This right is confirmed by the language of Article VIII-A that grants the right of the Park and Recreation to oversee its employees "subject to state law, Ashland Municipal Code, written mutual agreements between the City Council and Ashland Parks and Recreation Commission, and formal, written City administrative policies."

Where the allocation or assignment of management responsibility is now questioned or in doubt, the City Council can make changes to ordinances, if necessary, to further empower the City Manager and affect Commission operational changes that the City finds necessary in the interest of the City. Alternatively, without the existence of certain standing AMC ordinances and the MOU agreements, the default management oversight setting would appear to potentially result in the circumstance of there being no employees or operational assignments to an Ashland Park and Recreation Commission. The current authority to clarify the organizational structure and assignment of oversight for Park and Recreation Department functions rests with the City Council.

CONCLUSION.

The Charter has established the separate charges for the City Manager and the Commission. The electorate was presented with a decision to create the City Manager position with the understanding that the roles between the two would not substantially change. Historically, these roles have primarily maintained the character as defined by the Charter and as have been adopted in ordinances and mutual



agreements found necessary to guide who should be performing what activities on behalf of the City. It is through these ordinances and agreements that the Manager's ultimate authority can be understood.

Technically, the City has not established usual structures within which the Commissions can administer their chartered functions such as creation of a Parks and Recreation Department. Based on the City Council's allocation of responsibilities in the 2014 MOU, the City Manager, like the City Administrator before, currently does not have authority to manage or oversee the employees of the Park and Recreation Department. In limited circumstances, however, the City Manager has been given, as was the City Administrator before, limited operational authority over employees assigned to the Commission to ensure performance of certain maintenance functions necessary to the City. The City Manager, therefore, has been given historical authority in limited situations involving non-park property to direct staff assigned primarily under the Commission's authority to perform management and maintenance of city non-park facilities. Hence, although city employees are assigned to the Commission, they are not considered exclusively under the control of the Commission when engaged in work outside of the scope of the Commission. Where in doubt, the City Council could make changes to ordinances or budgetary appropriation, if necessary, to further define authority or empower the City Manager and indirectly affect Commission operational changes that the City finds necessary in the interest of the City.

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